

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

January 19, 2000 LB 410

session, of course, came out of committee with no...without any no votes, but first we need to explain to members, at least it wasn't clear in my mind anymore, what we do have in place for statutes. All children under the age of four or weighing less than forty pounds now have to be restrained in a child seat and, furthermore, all children weighing forty pounds or more and less than five years of age have to be restrained in an occupant protection system, which would be adult seat belts, more or less. What this bill does is establish a first offense, record of a first offense. Right now the way the statutes read, for someone who is cited for a child, failure to restrain a child in a restraint, they can come into the judge, provide the judge either physical evidence, being a child seat or a rental receipt or a purchase receipt and, thereby, have the fine waived and there is no record of a first offense. And what we were running into was people, repeat offenders coming in and saying here is the child seat, and so on, and the charges would be dismissed and never established a record of first offense. So what this bill does is it establishes a first offense, and there are committee...a committee amendment on this that we'll talk about here in a second but it does not change the requirements as far as weight or age or anything like that on children. It simply establishes a first offense. And some statistics here are rather startling: 1997, there were eight children five years, less than five years of age killed in vehicle crashes; of the eight, there were four of them that were not restrained; 50 percent of the fatalities were children unrestrained; 1998, there were seven children younger than five years killed, three were in safety restraints. So we are running about 50 percent compliance with this. A survey that was run in 1999, a very recent survey, sampled 1,228 children observed in vehicles, in a 1,039 vehicles; their compliance with the law was 56 percent, so we had 44 percent of the children unrestrained under the age of five, and this survey was run from July through September of '99, a very recent survey. It points out that children are restrained at a lesser rate even than adults, so we have a real problem here with young people, five or under five years of age, being restrained. And what this bill, as I said, will establish a record of the first offense and then, of course, after that first offense, there is no penalty under the bill. The amendments, committee amendments spell this out and we'll talk about those in a second, but there is no penalty for the first